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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ms. J.P., *et al.*,

Plaintiffs,

v.

Merrick B. Garland,

U.S. Attorney General, *et al.*,

Defendants.

Case No. 2:18-cv-6081-JAK-SK

**JOINT STIPULATION TO
APPROVE FEE SETTLEMENT
AGREEMENT AND DISMISS WITH
PREJUDICE PLAINTIFFS' EAJA
MOTION, ECF NO. 343**

Hearing: None

Judge: Hon. John A. Kronstadt
Magistrate Judge: Hon. Steven Kim
[Proposed] Order Filed Concurrently

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1 Plaintiffs and Defendants (collectively, the “Parties”) have reached a settlement
2 to resolve Plaintiffs’ Motion for Award of Attorneys’ Fees (“Motion”) in the above-
3 captioned case under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) (“EAJA”).
4 ECF No. 343. At the Parties’ request, Plaintiffs’ EAJA Motion is currently held under
5 abeyance. ECF Nos. 353, 354.

6 On September 5, 2024, the Parties executed the Fees and Costs Settlement
7 Agreement in which Defendants agreed to pay Plaintiffs eight hundred and fifty
8 thousand dollars (\$850,000.00) in full and complete satisfaction of any claims by
9 Plaintiffs for attorneys’ fees, litigation costs, and related expenses, including any
10 interest in connection with the above-captioned case. The Settlement Agreement is
11 attached as Exhibit 1.

12 The executed Settlement Agreement provides that within five (5) business days
13 of the execution of the Settlement Agreement, the parties will file a Joint Stipulation for
14 Court Approval of the Fee Settlement Agreement and to Dismiss the EAJA Motion with
15 Prejudice. Ex. 1. ¶ 4.

16 The Parties agree that the Fee Settlement Agreement should be approved
17 pursuant to Rule 23 of the Federal Rules of Civil Procedure for the reasons set forth
18 herein:

19 On November 5, 2019, Plaintiffs’ motions for class certification and preliminary
20 injunction were granted in part, and Defendants’ motion to dismiss was denied. ECF
21 No. 251.

22 On February 16, 2024, Plaintiffs filed a motion for award of attorneys’ fees
23 under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). ECF No. 343. Declarations
24 setting forth details about Plaintiffs’ counsels’ timekeepers, hourly rates, hours work,
25 and the nature of the work performed, were filed in support of the Motion. *Id.*

26 The Parties have concluded that further litigation regarding Plaintiff’s fees and
27 costs would be protracted and expensive for all Parties. The Parties vigorously
28 negotiated at arm’s length to resolve Plaintiffs’ claim for attorneys’ fees and costs

1 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. After considering the
2 foregoing factors, as well as the risks of further litigation, the Parties agreed to settle in
3 the manner and upon the terms set forth in the Fee Settlement Agreement attached
4 hereto.

5 Thus, the Parties submit this joint stipulation for approval of the Fee Settlement
6 Agreement and dismissal with prejudice of Plaintiffs' EAJA Motion. For the foregoing
7 reasons, the parties respectfully request that this Court grant the parties' stipulated
8 request. If for any reason, the Court does not approve the Fee Settlement Agreement
9 based upon this joint stipulation, then Plaintiffs do not stipulate to the dismissal of the
10 EAJA Motion.

1 Date: September 5, 2024

Respectfully submitted,

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3 By: /s/ Amy P. Lally (with permission)

4 Amy P. Lally (SBN 198555)
5 SIDLEY AUSTIN LLP

6 Mark Rosenbaum (SBN 59940)
7 PUBLIC COUNSEL

8 *Attorneys for Plaintiffs*

9 Date: September 5, 2024

Respectfully submitted,

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11 Principal Deputy Assistant Attorney
12 General

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15 Director

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17 WILLIAM C. SILVIS
18 Assistant Director

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22 By: /s/ Fizza Batool

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Attorneys for Defendants

SIGNATURE ATTESTATION

Pursuant to LR 5-4.3.4(a)(2)(i), I hereby attest that the concurrence in the filing of the document has been obtained from each of the other Signatories.

/s/ Fizza Batool
Fizza Batool

Attorney for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Fizza Batool, am a citizen of the United States and am at least eighteen years of age. My business address is 450 Fifth Street, NW, Washington, DC 20001. I am not a party to the above-entitled action. I have caused service of the accompanying **JOINT STIPULATION TO APPROVE FEE SETTLEMENT AGREEMENT AND DISMISS WITH PREJUDICE PLAINTIFFS' EAJA MOTION, ECF NO. 343**, on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice.

I declare under penalty of perjury that the foregoing is true and correct.

Date: September 5, 2024

/s/ Fizza Batool
Fizza Batool